

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JOACHIM SCHONBECK,  
HERBERT QAMBUSCH and HANS HOPPMANN

Application No. 09/171,735

ORDER RETURNING UNDOCKETED APPEAL

**MAILED**

**APR 22 2004**

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

This application was electronically received at the Board of Patent Appeals and Interferences on March 30, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

Section 707.08 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 1, Feb. 2003) states:

707.08 Reviewing and Initialing by Assistant Examiner

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action . . . .

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials . . . .

The Examiner's Answer mailed December 16, 2003 is deficient in that there is no signature or initials for Harry D. Wilkins, III.

In addition, according to page 2 of the Examiner's Answer mailed December 16, 2003, "[t]he copy of the appealed claims contained in the Appendix to the brief, which was filed on 02 December 2003, is correct." However, it is noted that the language of claim 6 in the Appendix differs from its amended versions. It appears that step 2 in the amended versions ("rolling the continuous precursor strip through the first deformation stage to form a continuous intermediate strip") has been omitted in the Appendix and that the next step in the Appendix should begin with "coiling" instead of "rolling." Correction of these matters is required.

Application 09/171,735

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner:

1. for taking corrective action regarding the signature or initials for Harry D. Wilkins, III;
2. for issuance of a supplemental Examiner's Answer which contains a correct copy of claim 6, or for notification to appellants to submit a new Appendix to the Appeal Brief which contains the corrected claim;
3. for written notification to appellants regarding the action taken; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

KIMBERLY JORDAN  
Program and Resource Administrator  
(703) 308-9797

cc: Cohen Pontani Lieberman & Pavane  
551 Fifth Avenue  
Suite 1210  
New York, NY 10176

kj/psb/meh  
RA040472